

TENTATIVE DRAFT

NOTE: It is requested that suggested corrections be sent to the Office of the Secretary, San Francisco, as soon as possible.

MINUTES

BOARD OF GOVERNORS SPECIAL MEETING

LOS ANGELES

MAY 19 - 20, 2000

The Board of Governors of the State Bar of California convened in the Board Room, 1149 South Hill Street, Los Angeles, California, at 3:14 p.m., on Friday, May 19, 2000, Andrew J. Guilford presiding.

The following members of the Board of Governors were present: Ronald A. Albers, Patrick R. Dixon, James E. Herman, Joe R. Hicks, Palmer Brown Madden, Scott H. McNutt, Karen S. Nobumoto, James D. Otto, David L. Roth, Clara L. Slifkin, Julie S. Sommars, Maria D. Villa and Thomas J. Warwick, Jr.

The following members of the staff also were present: Francis Bassios, Kathleen Beitiks, Jerry Braun, Bryan Brown, Larry Doyle, Scott Drexel, Judy Johnson, Robert Hawley, Eileen Koch, David Long, Nancy McCarthy, Marie M. Moffat, Biljanna Sivanov and Paul Virgo.

- 1 The President introduced Julie Sommars, the newly appointed public member of the Board. He welcomed Judy Johnson, Executive Director, in her new role and first meeting as Executive Director.

He summarized the topics for discussion, including multijurisdictional practice, multi-disciplinary practice, and the fee bill.

He introduced Justice Elwood Lui. Justice Lui addressed the Board and summarized his report, and made recommendations, regarding the 1998-1999 voluntary payment distribution. He recommended a three-year State Bar fee bill to provide the bar with financial security, and the ability to do long-range planning.

XTRA Upon motion made, seconded and unanimously adopted, it was

RESOLVED that the Board hereby authorizes staff to:

1. Apply members' voluntary payments to member accounts for those members whose requests to apply voluntary payments were received after the original deadline of March 15, 2000, and on or before the extended last day to pay without penalty, April 28, 2000.

2. Send a letter to all members who have failed to make the required election as to how to apply the voluntary payments, stating the following:
 - a. In consideration of the circumstances, they have an additional 60-day grace period to pay fees without the assessment of a late payment penalty. Failure to pay fees within this period will result in the assessment of a late payment penalty of fifty percent of the unpaid balance.
 - b. The above described 60-day grace period shall not apply to fee scaling.
 - c. Thanking them for their previous donation which as been applied to our budgetary requirements on the passage of the original and extended deadlines to claim a credit.

All members present and recorded on the roll-call slip voted yes on the above matter.

James R. Greiner entered the meeting.

David Long, Special Assistant, Office of Research, presented an outline of multi-disciplinary practice, core values of the legal profession and access to justice.

- 3 Robert Hawley, Deputy General Counsel, made a presentation to the Board on multidisciplinary practice, after which a discussion took place on the issue. Bert Z. Tigerman and J. Anthony Vittal, State Bar Delegates to the ABA House of Delegates, gave an in-depth presentation concerning multidisciplinary practice and multijurisdictional practice and the resolutions currently before the ABA House of Delegates.

The President appointed the following to the newly created Task Force on Multi-disciplinary Practice, Kevin Culhane, chair, Joanne Garvey, JoElla Julien, Stephen P. Milner, Mark Tuft, Howard B. Wiener, and Laurie Zelon, members.

The Board recessed at 5:21p.m. to meet again on Saturday, May 20, 2000 at 9:00 a.m.

The Board of Governors of the State Bar of California convened in the Board Room, 1149 South Hill Street, Los Angeles, California at 9:10 a.m., on Saturday, May 20, 2000, Andrew J. Guilford presiding.

The following members of the Board of Governors were present: Ronald A. Albers, Patrick R. Dixon, James R. Greiner, James E. Herman, Joe R. Hicks, Palmer Brown Madden, Scott H. McNutt, Karen S. Nobumoto, James D. Otto, David L. Roth, Clara L. Slifkin, Julie S. Sommars, Maria D. Villa and Thomas J. Warwick, Jr.

The following members of the staff also were present: Francis Bassios, Kathleen Beitiks, Jerry Braun, Byran Brown, Larry Doyle, Randall Difuntorum, Judy Johnson, Eileen Koch, David Long, Nancy McCarthy, Marie M. Moffat and Biljanna Sivanov.

The President briefly summarized the material covered in the meeting on Friday, May 19, 2000, and outlined the agenda for the remainder of the meeting.

4 David Long, Special Assistant, Office of Research, and Francis Bassios, Acting Chief Trial Counsel, gave a presentation on the *Core Values of the Profession and Access to Justice*. The issues discussed included:

- Communicating with Existing Clients on the Internet: Confidentiality and Privilege Issues;
- Advertising on the Internet;
- Soliciting the Public on the Internet;
- Non-Lawyer Unauthorized Practice of Law and Solicitation of the Public;
- Lawyer Referral Activity; and
- Out-of-State Licensed Attorneys Representing California Citizens in California.

2 Jerry Braun, Senior Executive, Admissions and Certification, addressed the Board concerning Multidisciplinary/MultiJurisdictional Practice, covering the following areas

- Admissions
- Reciprocity
- Comity jurisdictions

5 Judy Johnson, Executive Director summarized the mission, policy goals and operational objectives of the State Bar, emphasizing the Board's supremacy over matters of public policy, and the Executive Director's accountability for staff operations. The following policy goals were outlined:

- Assure that every lawyer in California is ethical, competent and professional;
- Protect the public by effective, timely regulation of lawyer conduct;
- Improve the administration of justice and the advancement of the science of jurisprudence for all Californians in compliance with Business and Professions Code, section 6031;
- Educate the public about the law, lawyers and the legal system;
- Assure effective communication between the State Bar, its members, the legal community and the public;
- Administer the facilities, personnel and budget of the State Bar of California prudently and efficiently; and
- Facilitate the Board of Governors' "own means."

The Board went into closed session at 11:25 a.m., and those other persons present in the meeting, except the Executive Director and members of the Senior Executive Team, left the meeting.

The Board resumed open session at 12:20 p.m.

141 The appointments were considered in confidential session and the action of the Board is reported below.

6011 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Appointments, that the Board hereby appoints or reappoints, as the case may be, the following, State Bar Delegates to the American Bar Association House of Delegates, effective upon

the conclusion of the 2000 Annual Meeting of the American Bar Association (July 12, 2000) and expiring at the conclusion of the 2002 Annual Meeting of said association, or until further order of the Board, whichever occurs earlier: Joanne Garvey, San Francisco, Malissa McKeith, Los Angeles, John Mendez, Sacramento; Therese Stewart, San Francisco, Pauline Weaver, Oakland, and Michael Yamamoto, Los Angeles; and it is

FURTHER RESOLVED that the Board appoints Thomas W. McDonnell, Oakland, State Bar Young Lawyer Delegate to the American Bar Association House of Delegates, effective immediately, for a term expiring at the conclusion of the 2001 Annual Meeting of said association, or until further order of the Board, whichever occurs earlier; and it is

FURTHER RESOLVED that the Board appoints Richard Macias, Los Angeles, State Bar first alternate, and Thomas Smegal, San Francisco, State Bar second alternate, to its delegation to the American Bar Association House of Delegates, effective upon conclusion of the 2000 ABA Annual Meeting (July 12, 2000), and expiring at the conclusion of the 2001 Annual Meeting of the ABA Annual Meeting, or until further order of the Board, whichever occurs earlier.

All members present and recorded on the roll-call slip voted yes on the above matter.

6012 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Appointments, that the Board hereby appoints the chair and members, as set forth below, to the Commission on Judicial Nominees Evaluation, each to serve for a term to commence June 1, 2000, and expiring May 31, 2000, or until further order of the Board whichever occurs earlier.

William I. Edlund, Chair
Shirley E. Abrams
Steven C. Bailey
Beryl M. Crumpton
Dean E. Dennis
John L. Dodd
Leandro Herrera Duran
Grace E. Emery
Sharmin C. Eshraghi
Sue L. Frauens
E. Jean Gary
Beverly J. Gassner
Allan B. Goldman
Jo-Ann Whitney Grace
Robert E. Hinerfeld
Bruce L. Ishimatsu

Denise M. Lee
David O. Livingston
Abbe W. McCall
John P. McNicholas
Tamar Pachter
Willie L. Pannell
Martha E. Romero
L. Joanne Sakai
Randi S. Saul-Olson
Mark I. Schickman
Roberta Shouse
Roberta R. Sistos
Sandra W. Talcott
Pauline A. Weaver
Julie Werner-Simon

All members present and recorded on the roll-call slip voted yes on the above matter.

6013 Upon motion made, seconded and unanimously adopted, it was

RESOLVED, upon recommendation of the Board Committee on Appointments, that the Board hereby appoints Rex A. Heeseman, Los Angeles, member, Judicial Council, for a term commencing September 15, 2000, and expiring September 14, 2003, or until further order of the Board, whichever occurs earlier.

All members present and recorded on the roll-call slip voted yes on the above matter.

The concept of a president-elect was discussed by the Board.

The Board adjourned at 1:42 p.m., Saturday, May 20, 2000, to meet again at the call of the President at any time prior to the next regularly scheduled meeting of the Board, or if no such meeting be called, in the Malcolm Lucas Board Room, Judicial Council Conference Center, San Francisco, June 10, 2000.